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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1964.

No. [redacted] 102

ECONOMY FORMS CORPORATION,
Petitioner,

vs.

TRINITY UNIVERSAL INSURANCE COMPANY and EMPLOYERS REINSURANCE CORPORATION,
Respondents.

SUPPLEMENT TO PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1964.

No. 1123

ECONOMY FORMS CORPORATION,
Petitioner,

vs.

TRINITY UNIVERSAL INSURANCE COMPANY and EMPLOYERS REINSURANCE CORPORATION,
Respondents.

SUPPLEMENT TO PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

To THE HONORABLE, THE CHIEF JUSTICE AND ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE UNITED STATES:

Since the filing of the petition for writ of certiorari in the instant case, there has been published a detailed and analytical description of the background and purpose of the Capehart Act, 69 Stat. 651 (1955), as amended, 42 U.S.C. § 1594-1594g (1958), as amended 42 U. S. C. § 1594a (1964); its legislative history, including the 1956 amendment, the interpretation of which is the heart of the instant case; the conflicting decisions of the United States Courts

of Appeals, federal district courts and state supreme courts; and the resulting "judicial confusion" and need for clarification by the Supreme Court, *Note*: "Surety Bonding in the Construction of Military Housing Under the Capehart Act." 50 Iowa Law Review, No. 4, Summer 1965, pp. 1217-1236; and petitioner, therefore, files this supplement to its petition.

I.

The Iowa Law Review's *Note, supra,* is thorough and comprehensive, dividing its treatment of the subject as follows:

Introduction ..... p. 1217
I. Mechanics of the Act ..... p. 1218
II. The 1956 Amendment ..... p. 1219
III. The Courts: Differing Approaches ..... p. 1221
IV. The Eighth Circuit Approach ..... p. 1225
V. Evaluation of the Conflicting Judicial Approaches ..... p. 1229
VI. Conclusion ..... p. 1235

Although disagreeing with some of the note's conclusions as to the merits of the basic question presented here (whether the bonds on Capehart projects are covered by the Miller Act, 49 Stat. 793 (1935), as amended, 42 U. S. C. § 270 a-e (1958), as amended, 42 U. S. C. § 270 b-c (Supp. V., 1964)), petitioner is wholly and wholeheartedly in agreement with its "Conclusion", pp. 1235-1236:

> "The intent of Congress in enacting the 1956 amendment to the Capehart Act can, in the final analysis, be determined only by Congress itself. That courts have differed in their interpretations of the amendment is not surprising. Judicial confusion is

the inevitable result of poor legislative draftsmanship. In the absence of legislative revision, the best answer lies in a clarification by the Supreme Court. In order to insure uniformity in the determination of legal rights throughout the nation, it is the necessary function of the Supreme Court to decide issues on which the circuits disagree. If ever a need existed for the exercise of that function, it exists today in the confusion surrounding the bonding requirements of the Capehart Act. Whichever branch of the Government acts, that action should be forthcoming in the near future."

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